IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 13034 of 2004

Between:

R. Sivarajanna Goud S/o. R. Shankar,
Nashkal, Abadi Ghanpur, S.O. Warangal District.

..... PETITIONER

AND

1 K. Linga Murthy S/o. Ramakishtam
Nashkal Village, Abadi Ghanpur Mandal, Warangal District.
2 Union of India, rep. by its Chief Postmaster General. A.P. Circle,

Hyderabad.
3 The Postmaster General, Hyderabad Region, Hyderabad.
4 The Superintendent of Post Offices, Hanamkonda Division,

Hanamkonda, Warangal District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, Order or direction preferably a writ in the nature of writ of Certiorari calling for the records relating to the order Dt. 17.6.2004 made in O.A. No.191 of 2002 on the file of the Central Administrative Tribunal to quash the same as being illegal, arbitrary and violative of Article 14 of the Constitution of India.

Counsel for the Petitioner:MR.M.VISWANADHAM

Counsel for the 1st Respondent: None appeared.

Counsel for the Respondents 2 to 4:MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE GODA RAGHURAM

ORDER:(Per HON'BLE G. RAGHURAM, J)

The petitioner herein the 4th respondent in O.A.No.191 of 2002 on the file of Central Administrative Tribunal, Hyderabad, is aggrieved by the order of the Tribunal dated 17-06-2004 allowing the O.A. The said O.A. instituted by the 1st respondent herein was allowed and it was declared that the selection of the writ petitioner for the post of Grameen Dak Sevak at Nashkal B.O. of Abadi Ghanpur, Warangal District pursuant to the recruitment notification dated 03-08-2001 is illegal and the 3rd respondent herein was also directed to select the 1st respondent herein who was found to be most meritorious among the applicants in the selection process and to issue him appointment order after obtaining the proper income certificate from him.

2. Pursuant to the selections held to the post of Grameen Dak Sevak, the 1st respondent herein was found superior in merit to the petitioner. However, his case for appointment was rejected as the income certificate furnished by him did not disclose any independent source of income but only disclosed the income of his father. The writ petitioner being the next meritorious candidate after the 1st respondent, was selected and issued the appointment order. The Tribunal in allowing the application of the 1st respondent herein followed the judgment of the Full Bench of the Central Administrative Tribunal which held that denial of employment opportunity to a citizen solely on the basis of income and property was unsustainable. The said decision of the Full Bench was also followed by a Division Bench of the Central Administrative Tribunal, Bangalore. The 1st respondent herein produced a certificate disclosing the property and annual income of his father. It was found to be sufficient by the Central Administrative Tribunal.

3. We find no error in the application of Law or of discretion by the Central Administrative Tribunal warranting interference into the writ petition.

4. Writ petition is accordingly dismissed. No costs.

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J.CHELAMESWAR, J

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GODA RAGHURAM, J

27th July, 2004.

CHVN.

To

1. The Chief Postmaster General, Union of India, A.P. Circle,

Hyderabad.
2. The Postmaster General, Hyderabad Region, Hyderabad.
3. The Superintendent of Post Offices, Hanamkonda Division,

Hanamkonda, Warangal District.

4. The Registrar, Central Administrative Tribunal, Hyderabad

Bench, Hyderabad.

5. Two C.D. copies.